

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Paul MARDON et al.

Group Art Unit: 3641

Serial No.: 10/728,239

Examiner: TBA

Filed: December 3, 2003

Atty Dkt No.: 12928/100021

For: ALLOY AND TUBE FOR NUCLEAR FUEL ASSEMBLY AND METHOD  
FOR MAKING SAME

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Attn: Licensing And Review

Declaration Under § 152 of the Atomic Energy Act

Sir:

We, Jean-Paul MARDON, a citizen of the France, residing at 91, rue Pierre Brunier,  
69300, Caluire, France;

Jean SENEVAT, a citizen of the France, residing at 39, rue Sommeiller, 74000, Annecy,  
France;

Daniel CHARQUET, a citizen of the France, residing at 31, rue Felix Chautemps, 73200,  
Albertville, France;  
declare:

That we made and conceived the invention described and claimed in the patent  
application Serial No. 10/728,239 filed in the United States of America on December 3, 2003,  
titled ALLOY AND TUBE FOR NUCLEAR FUEL ASSEMBLY AND METHOD FOR MAKING  
SAME.

That we made and conceived this invention while employed by Framatome ANP.

That the invention is related to the work I am employed to perform and was made within  
the scope of my employment duties.

That the invention was made during working hours and with the use of facilities,  
equipment, materials, funds, information and services of Framatome ANP.


The invention was not made or conceived in the course of, or in connection with, or under  
the terms of any contract, subcontract or arrangement entered into with or for the benefit of the  
United States Atomic Energy Commission or its successors: Energy Research and Development  
Administration or the Department of Energy.

We further declare that all statements made herein of my own knowledge are true and that  
all statements made on information and belief are believed to be true and further that these

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statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature:



Date: 24/06/2004

Jean-Paul MARDON

Post Office Address:

91, rue Pierre Brunier, 69300, Caluire, France

Inventor's Signature:




Date: 14/06/04.

Jean SENEVAT

Post Office Address:

39, rue Sommeiller, 74000, Annecy, France

Inventor's Signature:



Date: 17.06.04

Daniel CHARQUET

Post Office Address:

31, rue Felix Chautemps, 73200, Albertville, France



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/728,239	12/03/03	MARDON, ET AL.	12093/851

KENYON & KENYON  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER	
ART UNIT	PAPER NUMBER
PATENT & TRADEMARK OFFICE	

DATE MAILED: **MAILED**

**MAY - 6 2004**

LICENSING & REVIEW

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS, A  
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2182 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (National Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the form of a declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an example of an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the example *must* appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement between the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant need not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the form of a declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED ABOVE, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time in order to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the claimed invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the claimed invention is so altered or the property rights situation so changed as to impact the accuracy of a statement submitted earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent rights and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possibility. The responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 305-4484.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE  
ATTENTION OF LICENSING AND REVIEW**

The following is an example of an acceptable property rights statement. Statements of this type are, of course, only suitable for situations in which **NO** Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I (We) \_\_\_\_\_  
citizens of \_\_\_\_\_  
residing at \_\_\_\_\_  
declare:

That I (we) made and conceived the invention described and claimed in patent application:

Serial Number \_\_\_\_\_ filed in the United States of America on \_\_\_\_\_  
titled \_\_\_\_\_

(Check and complete either I or II below)

☐ I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by \_\_\_\_\_. That the invention is related to the work I am (we are) employed to perform and was made within the scope of my (our) employment duties; That the invention was made during working hours and with the use of facilities, equipment, materials, funds, information and services of \_\_\_\_\_. Other relevant facts are \_\_\_\_\_  
(name of employer)

That to the best of my (our) knowledge and belief (and/or) based upon information provided by \_\_\_\_\_  
\_\_\_\_\_ of \_\_\_\_\_:

—OR—

☐ II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using only my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Check III and/or IV below as appropriate)

That to the best of my (our) knowledge and belief:

☐ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☐ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

The undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

Inventor's Signature: \_\_\_\_\_

Post Office Address: \_\_\_\_\_

Date: \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER**

Docket Number:  
12093/100021

Application No.  
10/728,239

Filing Date  
December 3, 2003

Examiner  
Not Yet Known

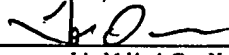
Art Unit  
3641

Invention Title  
**ALLOY AND TUBE FOR NUCLEAR FUEL  
ASSEMBLY AND METHOD FOR MAKING SAME**

Inventor(s)  
Jean-Paul MARDON et al.

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Licensing and Review

I hereby certify that this correspondence is being deposited with the United States  
Postal Service as first class mail in an envelope addressed to: Commissioner for Patents,  
Alexandria, VA 22313 on June 28, 2004.

  
John M. Vereb (Reg. No. 48,912)

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Sir:

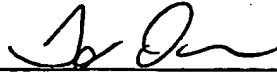
In response to the Notice dated May 6, 2004, please find the following documents to be filed in  
connection with the above-referenced application:

1. Copy of the Notice dated May 6, 2004;
2. Declaration Under § 152 of the Atomic Energy Act;
3. The Commissioner is hereby authorized to charge payment of the following fees associated  
with this communication or credit any overpayment to the deposit account of **Kenyon &  
Kenyon**, deposit account number **11-0600**:
  - A. Any additional filing fees required under 37 C.F.R. § 1.16;
  - B. Any additional patent application processing fees under 37 C.F.R. § 1.17;
  - C. Any additional patent issue fees under 37 C.F.R. § 1.18;
  - D. Any additional document supply fees under 37 C.F.R. § 1.19;
  - E. Any additional post-patent processing fees under 37 C.F.R. § 1.20; or
  - F. Any additional miscellaneous fees under 37 C.F.R. § 1.21.

3. A duplicate copy of this sheet is enclosed.

Dated: June 28, 2004

By:



John M. Vereb (Reg. No. 48,912)

**KENYON & KENYON**

One Broadway

New York, N.Y. 10004

(212) 425-7200 (telephone)

(212) 425-5288 (facsimile)

**CUSTOMER NO. 26646**

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER

Docket Number:  
12093/100021

Application No.  
10/728,239

Filing Date  
December 3, 2003

Examiner  
Not Yet Known

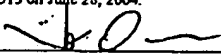
Art Unit  
3641

Invention Title  
ALLOY AND TUBE FOR NUCLEAR FUEL  
ASSEMBLY AND METHOD FOR MAKING SAME

Inventor(s)  
Jean-Paul MARDON et al.

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Attn: Licensing and Review

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Postal Service as first class mail in an envelope addressed to: Commissioner for Patents,  
Alexandria, VA 22313 on June 28, 2004.

  
John M. Vereb (Reg. No. 48,912)

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Dated: June 28, 2004

By:



John M. Vereb (Reg. No. 48,912)

**KENYON & KENYON**

One Broadway

New York, N.Y. 10004

(212) 425-7200 (telephone)

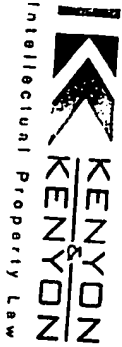
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